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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,854	09/03/2003	Darcy Linklater	P-1542-021	5278

7590

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Floyd E. Ivey
Liebler, Ivey, Connor & Berry
P.O. Box 6125
Kennewick, WA 99336

EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,854

Applicant(s)

LINKLATER, DARCY

Examiner

Bethany L. Griles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/15/04 have been fully considered but they are not persuasive. Neither the arguments of the Applicant that the structures are not equivalent nor the amendments to the claims overcome the deficiencies of the claims as submitted. As currently claimed and argued, the prior art of Boulton and Ogle still anticipate the claims in the immediate application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Boulton et al. (US5605004).

2. Regarding claim 1, Boulton et al. disclose a fishing lure comprising an elongated primary shaft 20 having a first and second end, an elongated lure shaft 28 having a lure shaft first end and a lure shaft second end, the lure shaft at the lure shaft second end fixedly interconnected by shaft interconnection means to the primary shaft proximal the second end (see structure located between elements 26 and 22); a fish hook means

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having a hook shaft 42 the hook shaft secured by hook shaft affixing means to the primary shaft proximal the second end (figure 8); the lure shaft locking means proximal the first end to secure the lure shaft first end; means proximal the first end to receive fishing leader (col 4, lines 20-30); and the lure shaft 28 sized to receive a lure or bait; the bait secured from "throw off" by the lure shaft at the lure shaft first end being received by the locking means (best seen in figure 8, where elements 24 and 48 join in a joint covered by the body portion 46).

3. Regarding claim 2, Boullt et al. disclose the elongated primary shaft and lure shaft are composed of a rigid material (col 4, line 22); the shaft interconnection means is by welding, wire wrap, wire twist, or ferrule (see structure located between elements 26 and 22); that the hook shaft affixing means to the primary shaft is by welding, wire wrap, wire twist, or ferrule (Fgi8); lure shaft locking means is by ferrule means 40.

4. Regarding claim 3, Boullt et al. disclose the rigid material comprising the primary shaft and the lure shaft are formed from metal wire (col 4, line 22); the shaft interconnection means is by wire twist of the lure shaft 22 proximal the lure shaft second end about the primary shaft proximal the second end (elements 20, 22 in figure 8); the lure shaft locking means is by double barrel ferrule 40; the hook shaft affixing means to the primary shaft is by ferrule 28 having a first ferrule end and a second ferrule end, the first ferrule end receiving the primary shaft at the second end ; the second ferrule end receiving the hook shaft 42 (figure 8) ; and crimping means 22, 30, 44 to secure the ferrule to the primary shaft and to the hook shaft.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boult et al. (US5605004) in view of Ogle (US5253446).

7. Regarding claim 4, Boult et al. disclose a metal wire with a spring function ((col 4, lines 22-25).

8. Boult et al. do not disclose that the wire is copper or tobacco colored wire.

9. Ogle discloses the use of copper wire in a similar structure (col 3, lines 31-32).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Ogle of a copper wire to the invention of Boult et al., as Boult et al. disclose the use of various types of metal wire (col 4, line 66-col 5, line 2) and the choice of copper as a preferred material would be an obvious matter of design choice and availability of suitable materials. Examiner further asserts, as Examiner was raised on a tobacco farm, that the color "tobacco" is completely equivalent to the color "copper".

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


blg

Bethany L. Griles
Examiner
Art Unit 3643


Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

8/4/04